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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,717	06/06/2001	Raymond Anthony Joao	JBF02	7136

7590 03/07/2007  
RAYMOND A. JOAO, ESQ.  
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EXAMINER
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LIVERSEEDGE, JENNIFER L

ART UNIT	PAPER NUMBER
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3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/875,717

Applicant(s)

JOAO ET AL.

Examiner

Jennifer Liversedge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/14/2006 has been entered.

This Office Action is responsive to Applicant's amendment and request for continued examination of Application 09/875,717 filed on January 22, 2007.

The amendment contains new claims: 33-52.

Claims 13-32 have been canceled in the current amendment, claims 1-12 were previously canceled.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 33-52 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,493,685 B1 to Ensel et al. (further referred to as Ensel).

Regarding claim 33, Ensel discloses an apparatus comprising:

A first processing device (column 12, lines 31-33; column 16, lines 38-40) for processing information regarding a transaction involving an account associated with an individual account holder, wherein the first processing device generates a first message containing information regarding the transaction (column 9, line 4 – column 10, line 49);

A transmitter (column 14, lines 9-11) for transmitting the first message to a first communication device associated with the individual account holder in real-time (column 4, lines 17-38; column 6, lines 32-50; column 8, lines 18-21);

A memory device for storing information regarding transactions involving a plurality of accounts associated with the individual account holder (column 2, lines 11-17; column 3, lines 48-52; column 4, lines 58-63; column 5, lines 1-4; column 5, line 63 – column 6, line 10; column 10, lines 21-49) comprising at least one of a credit card account, a debit card account, a charge card account (column 4, lines 42-46; column 6, lines 1-31; column 7, lines 7-11), and at least one of a bank account, a checking account, a savings account, an electronic money account, a brokerage account (column 3, lines 48-52; column 6, lines 1-31), a wireless communication account, and a cellular

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communication account (column 2, lines 46-56; column 6, lines 1-31), and wherein the information regarding transactions includes information regarding the transaction or information contained in the first message, and wherein the information regarding transactions includes information regarding an identity and contact information (column 4, lines 17-38; column 6, lines 32-50; column 8, lines 18-21) for at least one of a merchant, a vendor, a bank, a financial institution, a brokerage firm, an electronic money account, and a communication account provider, involved in the transaction, where the information is automatically received by a receiver and stored in the memory device (column 2, lines 46-56; column 3, lines 48-52; column 6, lines 1-31);

Wherein the first or a second processing device processes information regarding a request for transaction information, wherein the request for transaction information is transmitted from the first or second communication device associated with the individual account holder and generates a second message in response to the request using the information regarding transactions stored in the memory device (column 5, lines 21-26; column 7, line 60 – column 8, line 13; column 11, line 56 – column 12, line 2; column 15, lines 16-30; column 18, lines 45-66; Figure 10), where the second message contains information regarding at least one transaction and contact information regarding the at least one of a merchant, a vendor, a bank, a financial institution, a brokerage firm, an electronic money account, and a communication account provider involved in the transaction (column 2, lines 46-56; column 3, lines 48-52; column 6, lines 1-31);

Wherein the second message is transmitted to the first or second communication device on or over at least one of the Internet and the World Wide Web (column 7, lines 14-18; column 9, line 4 – column 10, line 49).

Regarding claim 34, Ensel discloses wherein the processing device or the second processing device processes a second request for information regarding a plurality of accounts and generates a third message in response to the second request, wherein the third message contains information regarding transactions involving a plurality of accounts, and further wherein the third message is transmitted to the first or second communication device (column 5, lines 21-26; column 7, lines 5-14; column 7, line 60 – column 8, line 13; column 8, lines 49-66; column 15, lines 12-26; column 18, line 46 – column 19, line 5; Figure 10).

Regarding claim 35, Ensel discloses the apparatus wherein the contact information regarding the at least one of a merchant, a vendor, a bank, a financial institution, a brokerage firm, an electronic money account, and a communication account provider (column 2, lines 46-56; column 3, lines 48-52; column 6, lines 1-31) includes a link or hyperlink (column 7, lines 5-18).

Regarding claim 36, Ensel discloses the apparatus wherein the apparatus stores account transaction information for a plurality of transactions involving a plurality of

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accounts associated with the individual account holder (column 2, lines 11-17; column 3, lines 48-52; column 4, lines 58-63; column 5, lines 1-4; column 5, line 63 – column 6, line 10; column 10, lines 21-49).

Regarding claim 37, Ensel discloses the apparatus wherein the apparatus transmits a personalized transaction account directory to the first or second communication device (column 5, lines 1-4 and lines 21-26; column 10, lines 21-49; column 11, line 56 column 12, line 2).

Regarding claims 38-41, Ensel discloses the apparatus wherein the first or second communication device is a personal computer, a personal digital assistant, an interactive television, and a cellular phone (column 3, line 66 – column 4, line 16; column 9, lines 56-62; column 14, lines 47-53).

Regarding claims 42-52, Ensel discloses the apparatus wherein the account is a credit card account, a debit card account, a charge card account, a “smart” card account, a currency card account, a bank account, a brokerage account, a checking account, a savings account, an electronic money account and a cellular communication account or a wireless communication account (column 2, lines 51-56; column 3, lines 48-52; column 4, lines 1-16; column 4, lines 39-63; column 5, line 63 – column 6, line 31; column 7, lines 7-18; column 11, lines 14-20 and lines 60-66; column 14, lines 56-61; column 17, lines 49-54).

### ***Response to Arguments***

Applicant's arguments with respect to claim 33-52 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.



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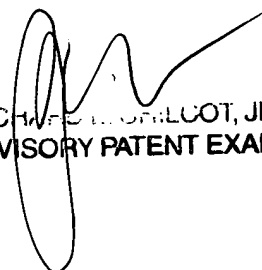
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at 571-272-6777. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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RICHARD CHILCOT, JR.  
SUPERVISORY PATENT EXAMINER